

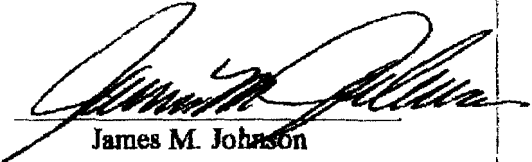
JAMES M. JOHNSON & ASSOCIATES
BROADCAST CONSULTANTS

AFFIDAVIT

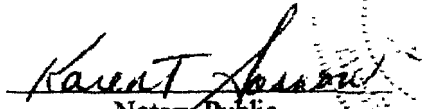
State of Florida)
)
County of Highlands) SS:

James M. Johnson, having been duly sworn, deposes and says that:

1. He is a Broadcasting Consultant practicing in the City of Sebring, Florida, and his qualifications are a matter of record with the Federal Communications Commission.
2. He has been retained by WSUV, Inc., Okeechobee Broadcasters, Inc., and Jupiter Broadcasting Corporation to prepare the attached Engineering Exhibit.
3. He has prepared, or caused to be prepared under his immediate supervision, the accompanying exhibits which are attached to and form part of this affidavit.
4. The foregoing statements and the aforementioned exhibits are true to the best of his knowledge and belief.


James M. Johnson

Subscribed and sworn to this 23rd day of May, 1994.


Notary Public
KAREN T. SASNOW

Notary Public, State Of Florida At Large
My Commission Expires Oct. 29, 1994

JAMES M. JOHNSON & ASSOCIATES
BROADCAST CONSULTANTS

**ENGINEERING STATEMENT
DOCKET 93-136**

This Engineering Statement has been prepared on behalf of WSUV, Inc., licensee of WROC, Fort Myers Villas, Florida, Okeechobee Broadcasters, Inc., licensee of WOKC-FM, Okeechobee, Florida, and Jupiter Broadcasting Corporation, permittee of WADY, Jupiter, Florida.

I have examined the proposal to add channel 253-C-3 to San Carlos Park, Florida. I found that the reference point, 26-26-38N, 82-01-41W, was located on Sanibel Island, Florida. This location would also be suitable for use by channel 275C-2 at Fort Myers Villas.

Sanibel Island has also been the reference site for Channel 257C-2 used at Fort Myers Beach, Florida, at 26-25-30N, 82-04-30W.

JAMES M. JOHNSON & ASSOCIATES
3750 US 27 NORTH SEBRING FL 33870

FORT MYERS VILLAS, FL
AT SAN CARLOS PARK RM SITE

REFERENCE
26 26 38 N
82 01 41 W

CLASS C2
Current rules spacings
CHANNEL 275 -102.9 MHz

DISPLAY DATES
DATA 03-27-94
SEARCH 05-23-94

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN	
AD275	275C2	Fort Myers Villas	FL	258.0	5.64	190.0	-184.36	*
DE276	276C3	Naples	FL	139.0	46.69	117.0	-70.31	*
WSGL.C	276C3	Naples	FL	139.0	46.69	117.0	-70.31	*
WSGL	276A	Naples	FL	139.0	46.65	106.0	-59.35	*
WMXJ	274C	Pompano Beach	FL	106.2	189.33	188.0	1.33	<
WHPT	273C	Sarasota	FL	348.3	109.11	105.0	4.11	
AD276	276C1	Indiantown	FL	73.9	197.89	158.0	39.89	
WOKCFM	276A	Okeechobee	FL	54.3	146.55	106.0	40.55	

JOINT REPLY TO OPPOSITION
Exhibit 2

STATEMENT

I, Jerry Bellairs, do make the following statement under penalty of perjury:

1. My name is Jerry Bellairs.
2. I am a technical consultant and have been retained by WSUV, Inc., licensee of WROC (formerly WSUV), Fort Myers Villas, Florida. I have prepared numerous pleadings and technical exhibits which have been filed with the Commission.
3. On April 28, 1994, I went to the area in Lee County known as Punta Rassa. Specifically I visited areas within the possible reference site area for the Fort Myers Villas allotment proposed by Joint Commenters in FCC MM Docket No. 93-136. (See attached aerial photograph). There I observed much development including:
 - several high-rise condominium buildings (10-13 floors);
 - a mid-rise condominium;
 - a high-rise deluxe resort hotel;
 - a lighted 13 court championship tennis complex with 8 clay courts and 5 Spin-Flex hard courts -- including a tournament court with seating for several thousand persons;
 - a deluxe exercise and health spa with an 1,800 square foot aerobic studio, indoor lap and aquacise pool, beauty and hair salon, etc.;

- 4 dry storage sheds for boats and a ship's store
 - a public park and boat ramp;
 - the Sanibel causeway toll facility.
4. The photographs attached as exhibits 1-8 hereto were taken by me and are pictures of some of the above-described buildings.
5. Any description of Punta Rassa as a swamp is clearly false. While some of Punta Rassa does contain mangrove wetlands, as the pictures clearly show, there is a lot more to Punta Rassa than wetlands.
6. There are several antennae on top of the buildings at Punta Rassa. The antennae on top of the hotel are clearly visible in the pictures (Exhibits 7 & 8).
7. Assuming this building as a transmitter site, I calculated the distance to the farthest corner of the community of Fort Myers Villas. I then calculated the minimum height required to provide city-grade coverage over the entire community of Fort Myers Villas. My calculations show that, without exceeding the current maximum height of the existing antennae, a city-grade signal can be provided to the entire community of Fort Myers Villas.

8. Since the antenna for the proposed Fort Myers Villas facility could be placed on the roof on an existing building and not increase the height of existing structures in the area, no zoning approval would be required, there would clearly be no "negative impact upon bird migration routes" and there would be no "disruption of mangrove swamp areas".
9. On April 29, 1994, I stopped at the Lee County Division of Natural Resources and talked with the person who is the representative on the Lee County Eagle Technical Advisory Committee. She is the person responsible for maintaining and updating the map of active nests in the County. I asked her for the latest version of the map and was provided the "Active Nests" map attached as Exhibit 9 hereto. She stated that the minimum distance desired between such nests and buildings is 1,500 feet. Since there is no scale on the map provided, I located the approximate location of the nearest active nest on a Lee County map and determined the distance between that nest and the building at Punta Rassa with the most antennae (the hotel) to be approximately 9,000 feet. (It should be noted that all locations on the "Active Nests" map are approximate, as County officials do not like to give out the exact location of active nests.)
10. In conclusion, there are a number of fully-spaced "suitable" allocation reference sites at Punta Rassa.

MAY-22-1994 21:53 FROM RINI AND CORAN P.C. TO 18093332368599 P.01

Statements to the contrary are clearly false as can clearly be seen in the attached photographs.

11. Additionally, the allocation reference site on San Juan proposed in Comment 12 "Counter proposal continues to be (1) not offshore, (2) not in a national or state park where tower construction has been prohibited and (3) not an airport. In other words, that site remains allowable under the Commission's stated standards. The same statement may be made for the Punta Rassa reference site discussed above.

All statements made herein are true and correct to the best of my personal knowledge and belief.

Date:

May 23, 1994


TONY BELLARE

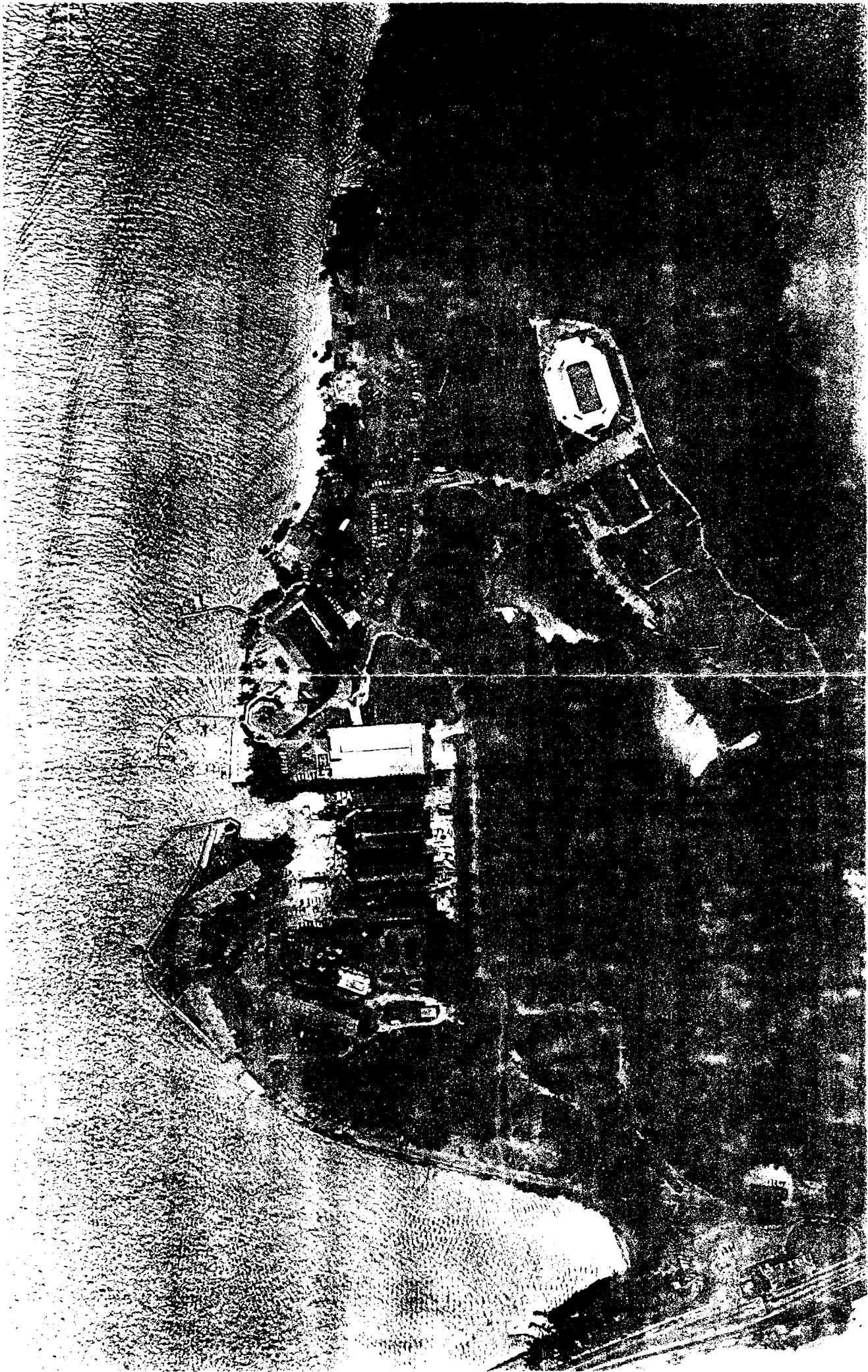
Statements to the contrary are clearly false as can clearly be seen in the attached photographs.

11. Additionally, the allocation reference site on Sanibel proposed in Commenters" Counter-proposal continues to be (1) not offshore, (2) not in a national or state park where tower construction has been prohibited and (3) not an airport. In other words, that site remains "suitable" under the Commission's stated standards. The same statement may be made for the Punta Rassa reference site discussed above.

All statements made herein are true and correct to the best of my personal knowledge and belief.

Date: _____

Jerry Bellairs



Commenters' Exhibit 1





Commenters' Exhibit 2



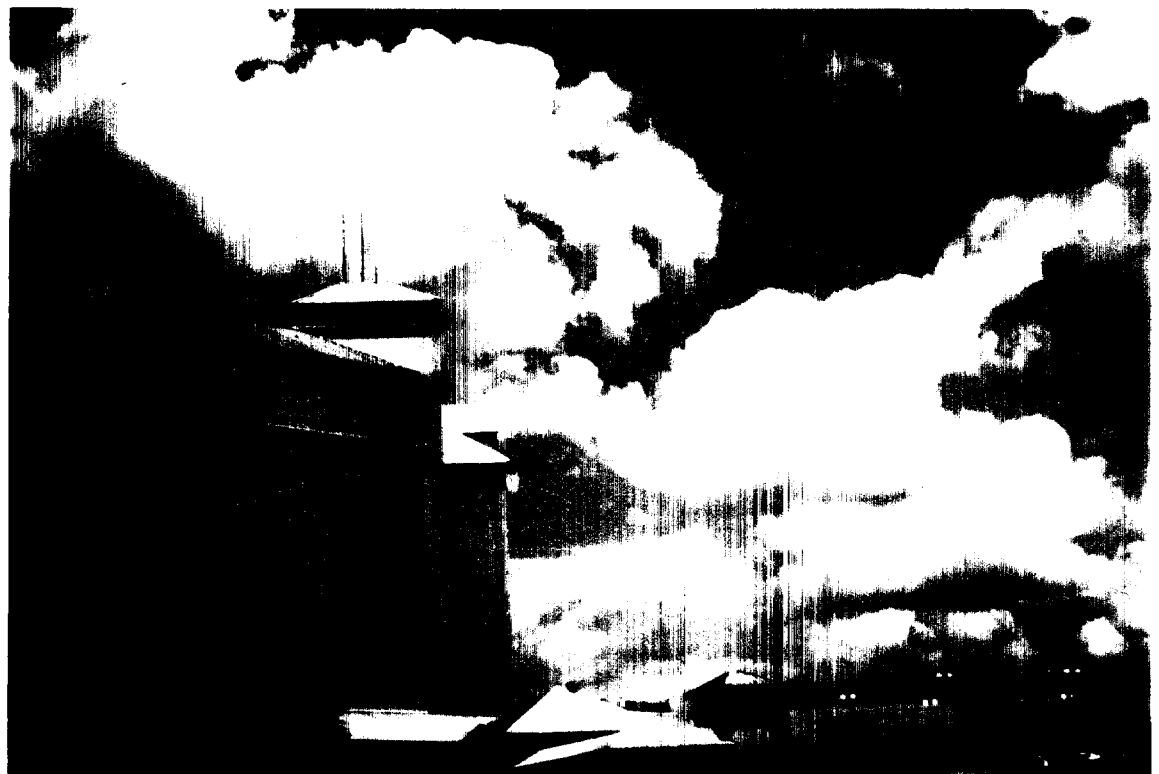
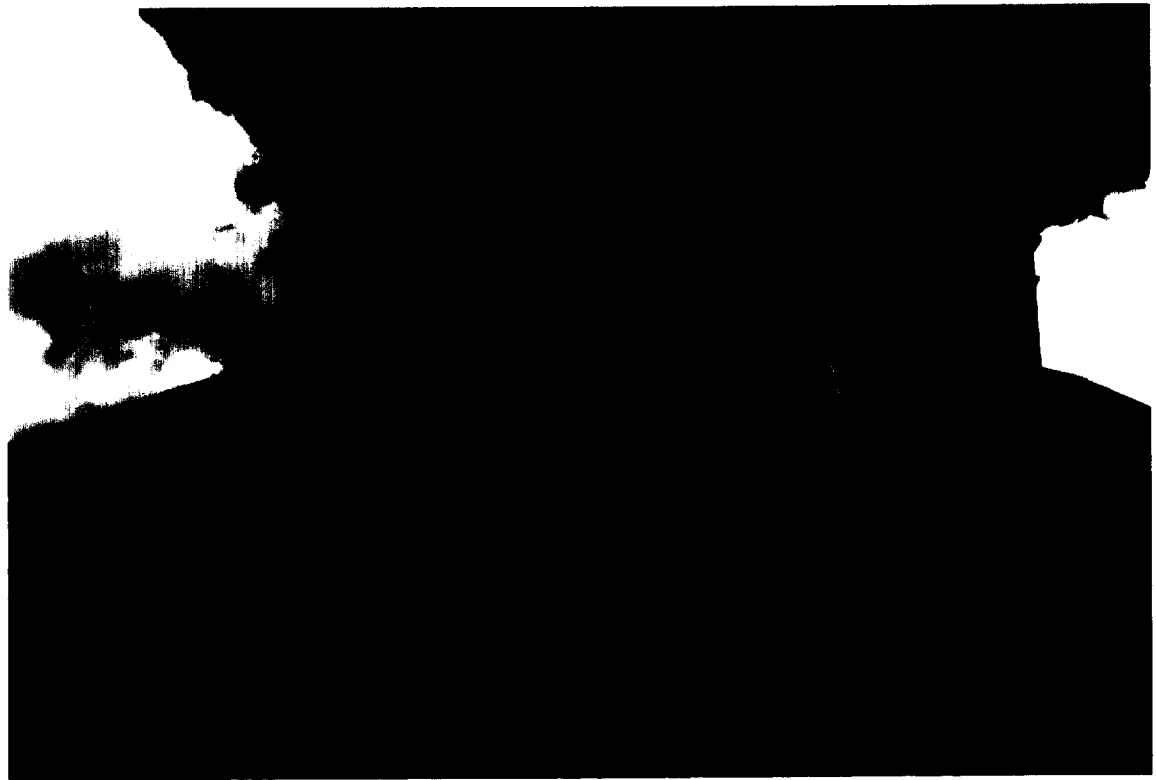


Commenters' Exhibit 4

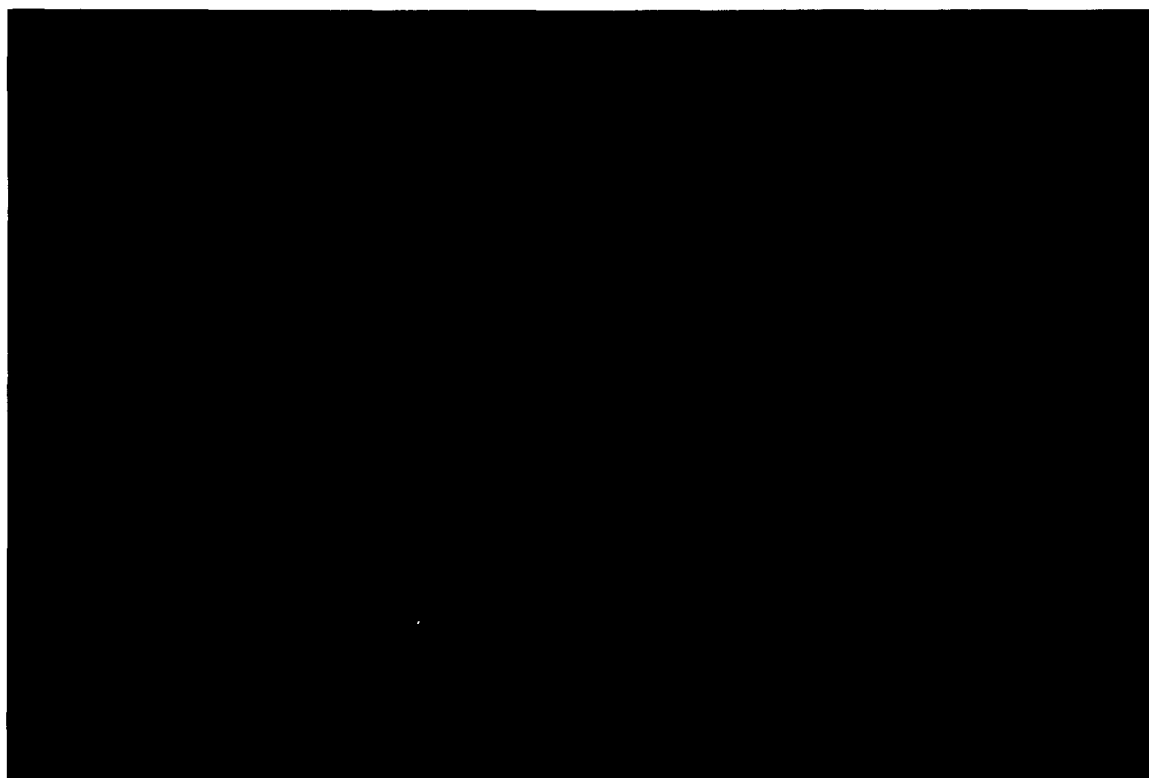




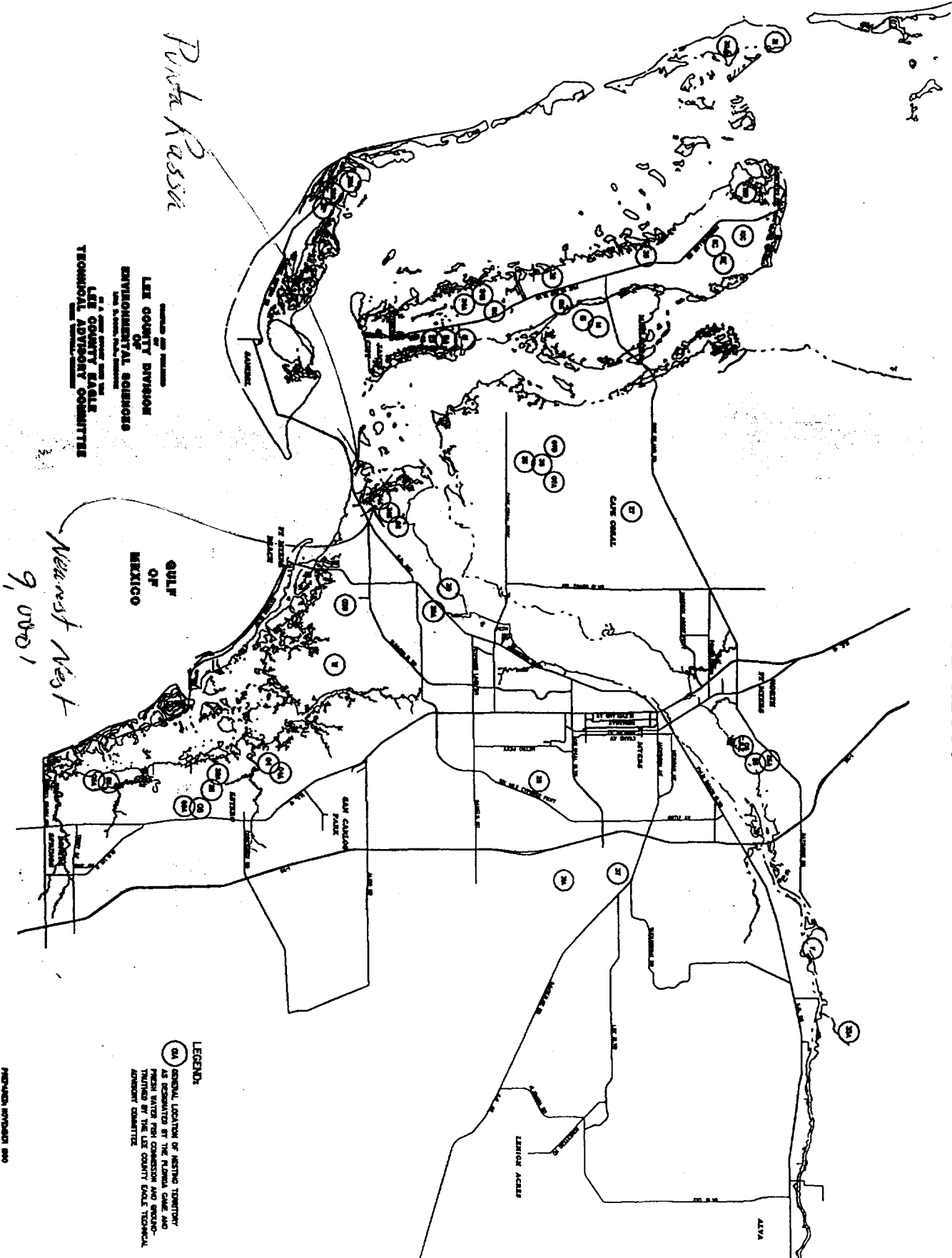




Commenters' Exhibit 8



**SOUTHERN BALD EAGLE NESTING SITE MAP
LEE COUNTY, FLORIDA
1989-90 NESTING SEASON
ACTIVE NESTS**



JOINT REPLY TO OPPOSITION
Exhibit 3

AFFIDAVIT

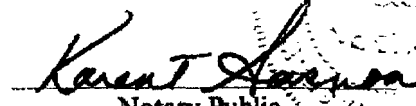
State of Florida)
)
County of Highlands) SS:

Charles C. Castle, having been duly sworn, deposes and says that:

1. He is a President of Okeechobee Broadcasters Inc., Licensee of WOKC-FM.
2. He has prepared, or caused to be prepared under his immediate supervision, this statement which is attached to and forms part of this affidavit.
3. The foregoing statements and the aforementioned exhibits are true to the best of his knowledge and belief.


Charles C. Castle

Subscribed and sworn to this 23 day of May, 1994.


Notary Public
KAREN T. SASNOW
Notary Public, State Of Florida At Large
My Commission Expires Oct. 29, 1994

May 23, 1994

RE: BMPH 930809II

Construction is well underway for the facilities authorized in BMPH-930809II. Barring any delays, it is expected that operation from the new Indiantown site will begin before the July, 1994 C.P. expiration date.



Charles Castle

CERTIFICATE OF SERVICE

I, Rhonda Parrish, a secretary with the law firm of Rini & Coran, do hereby certify that I caused a copy of the foregoing "Joint Reply to Opposition" to be mailed, first-class, postage prepaid this 23rd day of May, 1994 to the following:

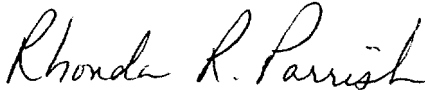
John Karousos, Esq. *
Acting Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W., Room 8322
Washington, D.C. 20554

Ms. Nancy J. Walls,
Communications Industry Analyst *
Allocations Branch
Policy and Rules division
Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W., Room 8322
Washington, D.C. 20554

William J. Silva, Esq.
Blair, Joyce & Silva
1825 K Street, N.W., Suite 510
Washington, D.C. 20006
Counsel to Richard L. Silva

John Joseph McVeigh, Esq.
Fisher, Wayland, Cooper, Leader & Zaragoza
2001 Pennsylvania Avenue, N.W., Suite 400
Washington, D.C. 20006
Counsel to Key Chain, Inc.

James M. Weitzman, Esq.
Kaye, Scholer, Fierman, Hays & Handler
901 15th Street, N.W., Suite 1100
Washington, D.C. 20005
Counsel to Spanish Broadcasting
System of Florida, Inc.



Rhonda R. Parrish

* Via Hand-Delivery